

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALLSTATE INSURANCE COMPANY,

Plaintiff,

v.

ROGER BRIGHT and CYNTHIA BRIGHT,
individually, and their marital community;
DON STUART CHRISTENSEN and
JOLANDA CHRISTENSEN, individually,
and their marital community; TYLA MARIE
NETTLES, personal representative of the
Estate of ADAM MICHAEL ROOKS,
deceased; DWAYNE ROOKS, individually;
and TYLA MARIE NETTLES,
INDIVIDUALLY,

Defendants.

Case No. C05-5367 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Third-Party Defendant Ohio Casualty Co.'s Motion to Dismiss [Dkt. #25].

Having considered the entirety of the records and file herein, the Court rules as follows:

On November 29, 2005 the Court entered an Order granting defendant Roger Bright's motion to file a third-party complaint against Ohio Casualty Co. and directed Bright to electronically file his third-party complaint [Dkt. #19]. The Clerk's record reflects that Bright has failed to file the complaint. Ohio Casualty Co. now moves to dismiss the complaint that was never technically filed against it. Bright has not responded to this motion.

1 Local Rule CR7(b)(2) requires that a party who opposes the motion shall file a brief in opposition to
2 the motion and that the failure "to file papers in opposition to a motion . . . may be considered by the court as
3 an admission that the motion has merit." CR7(b)(2), Local Rules W.D. Wash. A review of the motion
4 indicates that it does have merit and the simple fact that Bright did not file his third-party complaint after being
5 granted permission to do so further indicates to the Court that the motion should be granted. It is therefore

6 **ORDERED** that Ohio Casualty Co.'s Motion to Dismiss [Dkt. #25] is **GRANTED**. Any and all
7 claims by Roger Bright against Ohio Casualty Co. are hereby **DISMISSED** and Ohio Casualty Co. is
8 **DISMISSED** as a party in this action.

9 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
10 pro se.

11 Dated this 19th day of May, 2006.

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14 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE
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